

DRAWING AMENDMENTS

In the Drawing:

The drawings were objected because the labels therein were in German. Please replace all drawings with the amended drawings. All German terms/labels have been replaced with the proper English terms/labels. No other changes have been made.

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 23, 2004. At the time of the Office Action, Claims 1-19 were pending in this Application. Claims 1-19 were rejected. Claims 1, 3, 4, 8, 10, and 11 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Objections under 37 CFR 1.83(a)

Examiner has objected to the drawings because the labels therein are in German. Applicants submit corrected drawing sheets in compliance with 37 CFR 1.121(d). A new set of drawings is hereby submitted to overcome this objection.

Rejections under 35 U.S.C. §103

Claims 1, 2, 8, 9, 15, 16, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,529,780 issued to Guenter Soergel et al. ("Soergel et al.") in view of U.S. Patent 6,201,996 issued to Kenneth C. Crater et al. ("Crater et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 3 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Soergel et al. in view of Crater et al., and further in view of U.S. Patent 5,539,870 issued to Thomas E. Conrad et al. ("Conrad et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 4 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Soergel et al. in view of Crater et al. and Conrad et al., and further in view of U.S. Patent 6,393,472 issued to Nikolaos Anerousis et al. ("Anerousis et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 5 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over Soergel et al. in view of Crater et al., Conrad et al. and Anerousis et al., and further in view of U.S. Patent 6,337,717 issued to D. David Nason et al. ("Nason et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 6, 13, 14, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Soergel et al. in view of Crater et al., and further in view of U.S. Patent 6,118,448 issued to Andrew H. McMillan et al. ("McMillan et al."). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Soergel et al. in view of Crater et al. and McMillan et al., and further in view of Conrad et al. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Applicants amended the independent claims 1 and 8 to further define the present invention in view of the prior art. As disclosed in particular, on page 4, paragraph [0009] and Figs. 3-5 of the present application, a hierarchical object model is disclosed. Thus, the objects within the object model have different levels. For example, the highest level can be a project

level, followed by a device level which again can be sub-divided into component levels as for example, shown in Fig. 3. Thus, a user is able to hierarchically step through a designed system which facilitates in particular the design, commissioning, and maintenance of the system. Furthermore, the system consists of an engineering system separate from the run-time (control) system. The run-time (control) system operates online whereas the engineering system can also operate offline which is beneficial when designing a control system. None of the cited prior art references discloses such an approach.

The dependent claims 2-7, and 9-19 include all the limitations of the respective independent claim to which they refer. Thus, these claims are allowable at least to the extent of the respective independent claim.

Information Disclosure Statement

Applicants appreciate Examiner's careful review of this application and submit that the Addendum sheet 1 erroneously states that an IDS citation would follow. No IDS was filed.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-19 as amended.

The Commissioner is hereby authorized to charge a one-month extension of time fee of \$120.00 and to deduct said fee from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*), Order Number 071308.0260, and, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is further hereby authorized to deduct said fees from same Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*), Order Number 071308.0260.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' agent at 713-229-1964.

BAKER BOTTS, L.L.P.

Date: March 23, 2005

By: 

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(Limited recognition 37 C.F.R. §10.9)

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